

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, }
 }
 Plaintiff, }
 }
vs. }
 }
CHRISTOPHER D. BRACKETT, }
 }
 Defendant. }

8:13CR420

ORDER

CHRISTOPHER D. BRACKETT,

Defendant.

This matter is before the court on the motion for an extension of time (Filing No. 52) and for a continuance of a suppression hearing (Filing No. 56) by defendant Christopher D. Brackett (Brackett). Brackett has filed a motion to suppress (Filing No. 25). Subsequently, a Superseding Indictment was filed against Brackett (Filing No. 35). The motion to suppress was scheduled for hearing. Thereafter, Brackett obtained new counsel and has moved for additional time to file additional pretrial motions and to continue the suppression hearing (Filing Nos. 52 and 56). Brackett has filed an affidavit wherein acknowledges he understands the additional time will be excludable time for the purposes of the Speedy Trial Act (Filing No. 57). Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Brackett's motion for an extension of time (Filing No. 52) is granted. Brackett is given until **on or before May 23, 2014**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between April 29, 2014, and May 23, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of

counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Brackett's motion to continue the suppression hearing (Filing No. 56) scheduled for May 1, 2014, is granted. The hearing on the motion to suppress (Filing No. 25) and any additional motions filed in accordance with this order is scheduled before the undersigned magistrate judge **at 10:00 a.m. on June 11, 2014**, in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for the hearing.

DATED this 29th day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge